

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Jerry W. Nelson,	)	C/A No. 6:12-2066-JFA-KFM
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
South Carolina Department of Corrections;	)	
Wilson Simmons; and Charlie Turbide,	)	
	)	
Defendants.	)	
	)	

The *pro se* plaintiff, Jerry W. Nelson, is an inmate with the South Carolina Department of Corrections. He brings this action pursuant to 42 U.S.C. § 1983<sup>1</sup> alleging violations of the Eighth Amendment and the South Carolina Tort Claims Act by the defendants. The plaintiff seeks damages and injunctive relief.

The Magistrate Judge assigned to this action<sup>2</sup> has prepared a Report and Recommendation and opines that the defendants' motion for summary judgment<sup>3</sup> should be granted. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

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<sup>1</sup> The plaintiff has filed this action *in forma pauperis* under 28 U.S.C. § 1915.

<sup>2</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

<sup>3</sup> An order was issued pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) notifying plaintiff of the summary dismissal procedure and possible consequences if he failed to adequately respond to the motion for summary judgment. Plaintiff responded to the motion.

The parties were advised of their right to file objections to the Report and Recommendation which was entered on the docket on July 29, 2013. However, neither party has filed objections and the time within which to do so has now expired. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

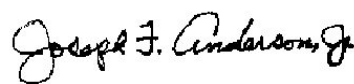
The Magistrate Judge recommends that the defendants' motion for summary judgment should be granted, finding that the plaintiff has failed to present sufficient evidence to show that the visual body cavity search for contraband or weapons at issue in this case was performed for any reason other than in response to security and safety concerns. Moreover, the plaintiff has not produced evidence of any type of discernible injury from the alleged incident. Finally, the Magistrate Judge recommends that the court decline to exercise supplemental jurisdiction over any claims for relief asserted under state law.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporates it herein by reference.

Accordingly, the defendants' motion for summary judgment (ECF No. 20) is granted and any pending motions are now moot.

IT IS SO ORDERED.

August 26, 2013  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge